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Fresno, California

July 25, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:46.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager
Daniel Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JULY 18, 2000

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of July 18, 2000, approved as submitted.

(“A”) APPROVE CONSULTANT CONTRACTS FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND ASSOCIATED TRAFFIC EVALUATION FOR THE GUNNER & ANDROS MIXED-USE COMMERCIAL DEVELOPMENT (SUBAREA 1 OF VENTURA/FREEWAY 41 STUDY AREA) AND OTHER RELATED MIXED-USE COMMERCIAL DEVELOPMENTS IN AND ADJACENT TO THE CONVENTION CENTER SITE

Redevelopment Administrator Murphey briefly reviewed the issue and staff report as submitted. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 “F”Street, spoke to the issue.

Councilmember Perea questioned the lifetime of the EIR, effect if changes were to occur, and cost, with Ms. Murphey responding and clarifying the EIR would address numerous projects in the area and not just the Andros Gunner development. Councilmember Perea stated his concern was the timing of the EIR as there was no concrete commitment from the developer adding it was now 1-1½ years into the project and he felt the developer should make a commitment up-front and prior to securing tenants and explained.

Acting President Bredefeld questioned why the developers could not be asked to share in the cost of the EIR with Director Fitzpatrick responding and advising to date they had invested at least as much as the cost for the EIR or more. Acting President Bredefeld offered an amendment to the motion that the developer pay one-half the cost.

Chair Ronquillo commented on the expenses of developers in planning projects, stated this would be a minimal commitment on the City's part and Council needed to look at the 10 year project buildout, and stressed the cost of the EIR would be an investment well made. Councilmembers Steitz and Quintero concurred stating the EIR would move downtown forward and would be a template for the entire area. Councilmember Quintero requested a report on the developer's and City/Agency's costs thus far. Councilmember Mathys stated his support for staff's recommendation, emphasized this was a reputable longtime developer and expressed his concern that fees were being made an issue but weren't for the stadium, and urged Council to move the project forward. Councilmember Perea requested staff also include in the report the developer's plans, timeline and costs; stated the Save Mart arena was going to be the biggest threat to downtown yet the City had done nothing in three years; and stressed real dollars needed to be moving behind real projects and the developer needed to show good faith and invest in the Armenian Town project.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, **RESOLVED**, the contracts for Woodcock Planning & Environmental Services and TPG Consulting, Inc. to prepare the Environmental Impact Report and Traffic Evaluation, respectively, for the Subarea 1 development and adjacent projects as identified in and adjacent to the Convention Center Area hereby approved, and the Agency Executive Director or his designee authorized to sign the contracts for consultant services, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz, Ronquillo
Noes	:	Perea
Absent	:	None

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The joint bodies recessed to later in the meeting and the City Council convened in regular session at 9:21 a.m.

Father Arish Aivzaian, St. Paul Armenian Church, gave the invocation, and Redevelopment Administrator Murphey led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "NATIONAL NIGHT OUT DAY"

RESOLUTIONS OF COMMENDATION TO FRESNO FORCE 12-UNDER GIRLS SOFTBALL TEAM **(2 - 0)**

PROCLAMATION OF "SOCIAL SECURITY 65TH ANNIVERSARY MONTH"

(ADD-ON) STUDENT OF THE QUARTER AWARDS - COUNCILMEMBER PEREA

The above proclamations, resolutions and awards were read and/or presented.

PROCLAMATION OF "GAY, LESBIAN, BISEXUAL AND TRANSGENDER PRIDE PARADE AND FESTIVAL DAY"

Removed from the agenda.

PRESENTATION OF PRIDE TEAM FOR THE SUMMER QUARTER

Certificates of Commendation were presented to: Jeff Beatty, Administrative Services/Finance; Joe Gonzalez, Airports Department; Renena Smith, City Clerk/City Council/City Manager; David Bailes, Convention Center; Leon Papin, Development Department; Ron Firestine, Fire Department; David Arias, Fresno Area Express; Esko Siipola, Housing & Neighborhood Revitalization/Code Enforcement and Jose Estrada, HNR/Community Sanitation; Archie Tovar, Information Services Department; Theresa Milavich, Parks, Recreation & Community Services; Dave Rady , Richard Best and Doug Reese, Police Department; Chris Blair, Alma Small, and Jeff Shackelford, Public Utilities Department/Solid Waste and Water Divisions; and from the Public Works Department Jim Sullivan, Construction Management, Joe Benavides, Engineering, Jim Washburn, Street Maintenance, and Wayne Garvis, Traffic Engineering.

The Council recessed to attend a reception to honor the employees.

RECESS - 9:55 A.M. - 10:20 A.M.

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APPROVE MINUTES OF JULY 18, 2000

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of July 18th approved as submitted.

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APPROVE AGENDA:

ITEMS 11:00 A.M. “B” AND 3A

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Agenda **Item 3A** to be heard with **11:00 A.M. “B”**, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

(3C) APPEARANCE BY BART BOHN, CALTRANS DISTRICT 6 MANAGER, REGARDING CALTRANS FEE POLICY

Removed from the agenda at the request of Caltrans. Councilmember Steitz stated the item would be rescheduled for August 15th at a time certain.

(5H) DIRECT THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO SECTION 13-412 (h)(1) OF THE HISTORIC PRESERVATION ORDINANCE TO CLARIFYING THAT THE SECRETARY OF INTERIOR’S STANDARDS REFERENCED IN THAT SECTION ARE RECOMMENDATIONS ONLY - COUNCILMEMBER STEITZ

Removed from the agenda by Councilmember Steitz.

(5I) * RESOLUTION - 22ND AMENDMENT TO AAR 2000-183 APPROPRIATING \$2,000 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A CAMP SCHOLARSHIP FOR YOUTH FOR CHRIST - COUNCILMEMBER STEITZ (ACTED ON LATER IN THE MEETING)

Councilmember Steitz corrected the resolution to “Young Life” instead of Youth for Christ. So noted and corrected.

(5B) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2000-203 (SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS THAT THE CHIEF ADMINISTRATIVE OFFICER (CITY MANAGER) SHALL BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL), VETOED BY THE MAYOR ON JULY 10, 2000 - COUNCILMEMBER RONQUILLO

Removed from the agenda by Councilmember Ronquillo.

ITEMS 1A-6 AND 5J

The above items to be heard together at 2:30 p.m. at the direction of President Boyajian.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE A \$468,640 CALIFORNIA LAW ENFORCEMENT TECHNOLOGY EQUIPMENT PURCHASE PROGRAM (CLETEP) GRANT FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING TO ACQUIRE INFORMATION TECHNOLOGY EQUIPMENT

(1A-2) AWARD A CONTRACT TO AGEE CONSTRUCTION IN THE AMOUNT OF \$6,481,666.80 FOR GRADE SEPARATIONS ON SHAW AND MARKS AVENUE AT THE BURLINGTON NORTHERN & SANTA FE RAILWAYS

(1A-3) * RESOLUTION NO. 2000-213 - 4TH AMENDMENT TO PAR 2000-184 AUTHORIZING TEN WASTE COLLECTOR LEAD WORKER POSITIONS EFFECTIVE AUGUST 1, 2000

(1A-4) APPROVE UTILITY AGREEMENT NO. 06-1102.41 WITH CALTRANS FOR DESIGN AND ADMINISTRATION COSTS RELATED TO THE RELOCATION OF STREET LIGHTING FACILITIES WITHIN THE ROUTE 180 PROJECT FROM CHESTNUT TO CLOVIS AVENUES

1. * RESOLUTION NO. 2000-214 - 15TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$13,000 FOR PROJECT DESIGN COSTS

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1A-5) APPROVE UTILITY AGREEMENT NOS. 06-1102.21 AND 06-1102.WITH CALTRANS TO DESIGN THE RELOCATION OF WATER AND SEWER FACILITIES FROM ROUTE 180 BETWEEN CHESTNUT AND CLOVIS AVENUES

1. * **RESOLUTION NO. 2000-215** - 16TH AMENDMENT TO AAR 2000-193 APPROPRIATING \$128,200 FOR PROJECT DESIGN COSTS

2. AUTHORIZE THE PUBLIC WORKS DIRECTORS TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY

(1A-7) * **RESOLUTION NO. 2000-216** - 17TH AMENDMENT AAR 2000-183 APPROPRIATING \$3,165,000 TO COMPLETE THE NECESSARY ACCOUNTING TRANSACTIONS FOR THE CLOSING OF THE AIRPORT 2000 REVENUE BONDS AS PREVIOUSLY APPROPRIATED IN FY 2000

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) * **BILL NO. B-48** - TEXT AMENDMENT NO. TA-00-02 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND TO ADD “BANQUET AND/OR CONFERENCE FACILITIES” AS A USE SUBJECT TO A CONDITIONAL USE PERMIT IN THE M-1-P ZONE DISTRICT (SECTION 12-225.3-B) (*HEARING TO CONSIDER ADOPTION SET FOR AUGUST 15, 2000, AT 11:15 A.M.*)

(1B-2) * **BILL NO. B-49** - AMENDING SECTION 3-109.2 OF THE FRESNO MUNICIPAL CODE RELATING TO CONSTRUCTION PROJECT MANAGEMENT SERVICES

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill Nos. B-48 and B-49 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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COMMENDATION/COMMENTS TO CITY MANAGER JEFF REID

Councilmember Mathys noted this would be the last meeting attended by Mr. Reid and Council commended him for his experience, knowledge and leadership in various areas including but not limited to neighborhood revitalization, transportation, economic development, and for his loyalty to Mayor Patterson, and extended best wishes to Mr. Reid and his family.

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(10:00 A.M.) HEARING TO APPROVE ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL AND CODE ENFORCEMENT ACTIONS FOR FISCAL YEARS 1997, 1998, 1999 AND 2000

President Boyajian announced to those in the audience that staff was manning a table outside the Council Chamber and requested anyone disputing their assessments go out and meet with staff to try and reach a resolution before speaking to Council at the hearing.

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The City Council recessed to later in the meeting and reconvened in joint session with the Redevelopment Agency at 10:40 a.m.

(8:30 A.M. "B") DISCUSSION ON THE FINAL DRAFT OF THE UPTOWN MASTER PLAN UPDATE AND DESIGN GUIDELINES

Redevelopment Administrator Murphey gave an overview of the issue as outlined in the staff report.

Barbara Hunt, 944 "F" Street, spoke to the issue **(3 - 0)**.

Chair Ronquillo commented on Uptown Area efforts and along with Councilmember Perea commended staff for the report and their work. Ms. Murphey and Director Fitzpatrick responded briefly to questions of Councilmember Perea relative the proposed school in the area, Arte Americas' commitment, and State funding for their museum and what the City could do to help secure funding. Acting President Bredefeld briefly left the meeting at 10:53 a.m.

By Council consensus staff's report on the final draft of the Uptown Masterplan Update and Design Guidelines was accepted.

("C") APPROVE AMENDMENT TO AGREEMENT WITH BOYLE ENGINEERING FOR UTILITY IMPROVEMENTS RELATIVE TO THE FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR ROEDING INDUSTRIAL BUSINESS PARK

Redevelopment Administrator Murphey gave a brief overview of the issue as outlined in the staff report. Director Fitzpatrick responded briefly to questions of Chair Ronquillo on the area and its proximity to downtown agencies and the need to look into mixed-uses.

On motion of Councilmember Perea, seconded by Chair Ronquillo, duly carried, **RESOLVED**, the amendment to the Agreement with Boyle Engineering Corporation hereby approved, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

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The joint bodies adjourned at 10:55 a.m. and the City Council reconvened in regular session at 10:56 a.m. Acting President Bredefeld returned to the meeting at 10:56 a.m.

(10:00 A.M.) HEARING TO APPROVE ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL AND CODE ENFORCEMENT ACTIONS FOR FISCAL YEARS 1997, 1998, 1999 AND 2000

1. RESOLUTION - ESTABLISHING ASSESSMENTS TO RECOVER CITY COSTS

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Housing and Neighborhood Revitalization Director Quiring advised assessments being contested this date would be deleted from the resolution for staff to try to resolve, and stated the hearing would be continued to August 15th for those unresolved.

President Boyajian announced the hearing would be briefly interrupted to hear items **11:00 A.M. “B” and 3A** which had been set for 11:00 a.m. earlier in the meeting.

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(11:00 A.M.) FISCAL YEAR 20001 CITY OF FRESNO BUDGET (“B”) * RESOLUTION NO. 2000-217 - 9TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$50,000 FOR CONVENTION & VISITORS BUREAU SPECIAL EVENTS

(3A) APPROVE AGREEMENT WITH THE FRESNO CITY AND COUNTY CONVENTION & VISITORS BUREAU AND AUTHORIZE THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY

Briefly reviewed by Convention Center Director Valdez.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-217 hereby adopted; and the agreement with the Fresno City and County Convention & Visitors Bureau for FY 2001 approved and the City Manager authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING TO APPROVE ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL AND CODE ENFORCEMENT ACTIONS FOR FISCAL YEARS 1997, 1998, 1999 AND 2000

1. RESOLUTION NO. 2000-218 - ESTABLISH ASSESSMENTS TO RECOVER CITY COSTS, AS AMENDED

Proceedings continued. A motion and second was made to adopt the resolution with HNR Director Quiring clarifying the resolution’s list of assessments would be adopted *as amended*.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-218 confirming the Assessment Report and authorizing staff to forward the report to the Fresno County Tax Assessor hereby adopted, *as amended*, and the hearing continued to August 15th for any remaining contested assessments, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

Speaking in opposition to their assessments and/or expressing concerns were: Santos Torres, 4763 E. Woodward, for property at 1006 W. Woodward; Mostafa Heidan, 1017 E. Brown; Bertha Warren, 249 E. Kearney Blvd., for property at 230 E. Stanislaus; and Humberto Contreras, 4512 E. Fairmont, who also displayed photographs of his and others properties.

At this point President Boyajian announced the hearing would again be interrupted to hear the **11:15 A.M.** item as participants had a scheduled flight to catch. Councilmember Steitz expressed his concern stating people had been waiting for the weed abatement hearing and added there were also other timed items scheduled prior to the 11:15 item.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, **RESOLVED**, the **11:15 a.m.** item to be heard at this time, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

(11:15 A.M.) APPROVE REVISED AGREEMENT BETWEEN THE CITY OF FRESNO AND COUNTY OF FRESNO RELATING TO FUNDING FOR THE RED LIGHT CAMERA ENFORCEMENT PROJECT, AND DIRECT THE CITY MANAGER TO EXECUTE SAME - ACTING PRESIDENT BREDEFELD

Acting President Bredefeld advised the County had approved the agreement this date, commended staff for all their work, and spoke in support of the agreement and made a motion to approve.

Speaking to the issue were: Barbara Hunt, 944 'F' Street; and Mark Scozzari, representing Lockheed Martin.

Chief Winchester responded to questions of Councilmember Mathys relative to the Red Light Enforcement Unit and rat boxes, and statistics on red light running and accidents. **(4 - 0)** Councilmember Mathys stated he would not support the issue noting numbers had shown accidents were down and stated he believed in the right of due process and he felt cameras would take away that right by taking away the trust and quality of a police officer.

Upon request of City Manager Reid, City Attorney Montoy and Assistant City Attorney Avila clarified provisions of the 1977 MOU relating to the City's rights and the flexibility to respond to changes at the state legislature relative to revenue streams.

Discussion ensued on the agreement, revenues, related clerical position, how the three intersections were selected for cameras, goal of installing cameras, updating numbers and need to change or add intersections, and timeline to install cameras, with Mr. Avila, Ms. Montoy, Purchasing Manager Taggart, Chief Winchester and Acting President Bredefeld responding to questions.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, **RESOLVED**, the agreement with Fresno County relating to funding for the Red Light Camera Enforcement Project hereby approved, and the City Manager authorized to execute the agreement on behalf of the City, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : Mathys
Absent : None

1. * AWARD A CONTRACT FOR THE RED LIGHT RUNNING PROGRAM

Briefly reviewed by Acting President Bredefeld who commended staff for all their efforts, explained the recommendation to award to Nestor Traffic Systems, and made a motion to award the contract subject to approval by the City Attorney.

Speaking to the issue were: Bob Young, Nestor Traffic Systems; and Mark Scozzari, Lockheed Martin.

Mr. Young, City Manager Reid and District 6 Assistant Kloose clarified issues and responded to questions of Councilmembers Ronquillo and Perea relative to Long Beach's program and statistics, camera operation, timeline to install the cameras, setting a deadline to install the first camera, and the RFP process.

Mr. Reid recommended Council table the issue to the next meeting to review the terms of the agreement and ensure they are melded with the City's rights of termination and explained.

Mr. Young responded to questions of Councilmembers Quintero and Steitz relative to other cities contracting with Nestor, specifics on Irvine's program, 24-hour operation of cameras, and process for appeals and challenges. Councilmember Steitz left the meeting at 12:15 p.m. and returned after the lunch recess.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract for a three-year pilot program of Red Traffic Light Enforcement at three intersections in Fresno, with cameras for all four approaches, awarded to Nestor Traffic Systems subject to the City Attorney's approval; the first camera to be installed by December 31st; and the City Manager to report back on the time frame for City engineers to provide information needed by Nestor Traffic Systems to begin the installations, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes : Mathys
Absent : Steitz

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(10:00 A.M.) HEARING TO APPROVE ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL AND CODE ENFORCEMENT ACTIONS FOR FISCAL YEARS 1997, 1998, 1999 AND 2000

Proceedings on the hearing continued. Continued speakers were: Moses Lowe Jr., 2334 S. Weller; Kathleen Perez (**5 - 0**) and Joel Orozco, 946 W. Dakota; Julius Aluisi for property at Maple and Church; Barbara Hunt, 944 'F' Street; and Arthur Amerian.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

City Attorney clarified the role of Council was to hear testimony, take it under submission, and try to resolve matters if possible, and reiterated the hearing would be continued to August 15th for any unresolved and contested assessments. There was no further discussion.

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President Boyajian advised after the lunch recess Council would convene directly in closed session.

RECESS - 12:35 P.M. - 2:00 P.M.

(2:00 P.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFF REID, JORGE AGUINIGA, ANDREW SOUZA - EMPLOYEE ORGANIZATIONS: AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027 (IMPASSE); AND IAFF NON-MANAGEMENT UNIT 5 AND MANAGEMENT UNIT 10 (FIREFIGHTERS IMPASSE)

(“B”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF VALERIE MEDINA
2. CLAIM OF FRESNO V. LOMBARDI, ET AL

(“C”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. JONES, BENJAMIN; MORRIS, ANGIL V. CITY OF FRESNO
2. JOSHUA CRUZ V. CITY OF FRESNO

The Council met in closed session in Room 2125 at the hour of 2:10 p.m. to consider the above issues and reconvened in regular open session at 3:18 p.m.

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(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-36, REZONING APPLICATION NO. R-99-51 AND RELATED ENVIRONMENTAL ASSESSMENT (E.A.) NO. A-99-36/R-99-51/C-99-220, FILED BY GEORGE ADAMS, PROPERTY LOCATED ON THE EAST SIDE OF N. INGRAM BETWEEN W. HERNDON AVENUE FRONTAGE ROAD AND W. BEECHWOOD AVENUE (SITE A), AND THE NORTHEAST CORNER OF N. INGRAM AND W. BEECHWOOD AVENUES (SITE B)

1. CONSIDER E.A./MITIGATED NEGATIVE DECLARATION NO. A-99-36/R-99-51/C-99-220
2. **RESOLUTION NO. 2000-219** - AMENDING THE BULLARD COMMUNITY PLAN (FOR SITE A)
3. **BILL NO. B-50 - ORDINANCE NO. 2000-51** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/EA TO C-6/EA/CZ

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Beedle reviewed the issue and staff report as submitted, played a videotape of the subject area, and recommended Council approve the plan amendment and rezoning application for Site A and deny Site B.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

Mr. Beedle and Development Director Yovino responded to questions of Councilmembers Perea and Mathys relative to recommendation of the Bullard Community Plan CAC (with Councilmember Perea concurring with their concern relative to increased land use changes without the benefit of a specific plan), surrounding residential areas, the proposed restaurant, if Site B was needed for parking for Site A, and if Site A could be approved this date and Site B deferred to a later date. A motion and second was made to approve staff's recommendation for Site A and deny Site B without prejudice which would allow a new site plan to come back within 12 months.

Discussion continued with Mr. Beedle and Mr. Yovino responding to questions of Councilmember Perea relative to adjoining residential zoning, lack of opposition to the project, plans for office-commercial use, future allowed uses, lack of a specific plan for the area, and detriment of delaying the project until adoption of a specific plan. Acting President Bredefeld concurred with Councilmember Perea relative to lack of a study or plan and stated he would not be supporting the project. Councilmembers Ronquillo and Mathys spoke in support of the project. President Boyajian questioned the size of the proposed restaurant and need for one, and Councilmembers Quintero and Steitz spoke in support.

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, (1) the finding of a Mitigated Negative Declaration prepared for E.A. A-99-36/R-99-51/C-99-220, dated April 17, 2000, hereby approved; (2) the above entitled Resolution No. 2000-219 approving P.A. A-99-36 to redesignate the subject property comprising the restaurant site (Site A) as noted on the Bullard Community Plan hereby adopted; (3) the requested general-heavy commercial land use designation for Site B denied *without prejudice*; (4) the above entitled Bill No. B-50 approving R-99-51 to rezone Site A subject to the conditions of zoning contained in the staff report and recommended by staff and the Planning Commission adopted as Ordinance No. 2000-51; and (5) the requested C-5 zoning for Site B denied *without prejudice*, by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Boyajian
Absent	:	None

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(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-00-07 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL FOR SEROP VARTANIAN, PROPERTY LOCATED AT 712 N. ABBY STREET
1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. R-00-07
2. BILL NO. B-51 - ORDINANCE NO. 2000-52 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM P TO C-6

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Johnson briefly reviewed the staff report as submitted. A motion and second was made to approve staff's recommendation.

The applicant thanked staff and Councilmember Ronquillo commended him for the infill project.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, the finding of a Negative Declaration for E.A. No. R-00-07 dated June 9, 2000, hereby approved, and the above entitled Bill No. B-51 rezoning the portion of the subject property from P to C-6 adopted as Ordinance No. 2000-52, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(11:00 A.M.) FISCAL YEAR 2001 CITY OF FRESNO BUDGET ISSUES:

(A) * RESOLUTION NO. 2000-220 - 11TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$250,000 IN AIRPORT DEPARTMENT OPERATING FUND FROM THE CONTINGENCY LINE ITEM TO PAY FOR AIR SERVICE DEVELOPMENT, MARKETING, PUBLIC RELATIONS, AND THE RETAINER OF A WASHINGTON, D.C. AVIATION AND AIRPORTS LOBBYIST TO ASSIST WITH REGULATORY AND GOVERNMENTAL RELATIONS (FOR A SUM NOT TO EXCEED \$30,000) TO PROMOTE FRESNO YOSEMITE INTERNATIONAL AIRPORT

1. APPROVE THE AGREEMENT TO RETAIN THE SERVICES OF WASHINGTON AVIATION LOBBYIST SHAW PITTMAN, UTILIZING AIRPORT ENTERPRISE FUNDS IN AN AMOUNT NOT TO EXCEED \$30,000

Councilmember Perea clarified the \$30,000 was included in the \$250,000 appropriation.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-220 hereby adopted, and the agreement for aviation lobbyist services with ShawPittman hereby approved and the Director of Transportation authorized to execute the agreement and any documents related thereto, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

(C) * RESOLUTION NO. 2000-221 - 6TH AMENDMENT TO AAR 200-183 APPROPRIATING \$41,700 RE-ESTABLISHING THE PERMANENT AUDITOR POSITION BEGINNING SEPTEMBER 1, 2000, FOR TEN MONTHS WHICH WAS PREVIOUSLY DELETED IN THE FY 2001 BUDGET

1. * RESOLUTION NO. 2000-222 - 1ST AMENDMENT TO PAR 2000-184 RE-ESTABLISHING ONE INTERNAL AUDITOR POSITION BEGINNING SEPTEMBER 1, 2000

Councilmember Perea advised the majority of the Council Budget Committee was recommending the issue be tabled to January 2001 and brief discussion ensued on Council's duty to vote on the issue, and the reconsideration and veto processes, with Budget Manager Bruney and City Attorney Montoy (**6 - 0**) responding to questions and clarifying the issue.

A motion of Councilmember Ronquillo, seconded by President Boyajian, to table the matter to the 2nd meeting in January 2001 failed, by the following vote:

Ayes	:	Quintero, Ronquillo, Boyajian
Noes	:	Bredefeld, Mathys, Perea, Steitz
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-221 and 2000-222 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Ronquillo, Boyajian
Absent	:	None

(D) * RESOLUTION - 5TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$26,200 TO ADD AN ACCOUNTING TECHNICIAN POSITION TO THE RETIREMENT ADMINISTRATION DIVISION FOR ADMINISTRATION OF THE DEFERRED COMPENSATION PROGRAM

1. * RESOLUTION - 2ND AMENDMENT TO PAR 2000-184 ADDING THE POSITION TO THE RETIREMENT DIVISION TO ADMINISTER THE PROGRAM

Councilmember Perea made a motion to table the matter to the 2nd meeting in January which was seconded by Councilmember Ronquillo. City Manager Reid advised of the Retirement Board's position on the issue and recommended the issue be scheduled for closed session to consider legal ramifications of tabling it. City Attorney Montoy stated the Retirement Board's only duty was to administer the retirement systems and clarified the Deferred Compensation Program was a City program and there would be serious consequences if the program was stopped. Councilmember Perea stated if the motion passed the matter would be scheduled for closed session and a meeting held with the Retirement Board in the interim to determine who should administer the program.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled resolutions tabled to January 2001, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

(E) * RESOLUTION - 13TH AMENDMENT TO AAR 2000-183 INCREASING THE POLICE DEPARTMENT BUDGET TO FUND THE ADDITION OF FOUR (4) POSITIONS TO THE DEPARTMENT

1. * RESOLUTION - 3RD AMENDMENT TO PAR 2000-184 ADDING FOUR (4) POSITIONS TO THE POLICE DEPARTMENT

Councilmember Perea advised the Council Budget Committee was recommending denial of the resolutions, offered an alternate option of positions from other areas in the police department to address their needs, and made a motion to deny due to lack of additional information and a real definition of issues related to the property room. City Manager Reid clarified a tray memo with all relevant information had been submitted to Council. Councilmember Ronquillo questioned if property room evidence storage could be privatized with supervision by the police department, with City Manager Reid stating he would request a report from the Chief.

By reference, Councilmember Steitz incorporated Pages 67 - 70 of the Grand Jury report into the record which outlined the need for property room staff and added the need for the positions was obvious.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled resolutions proposing the addition of four positions to the Police Department hereby denied, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Boyajian
Noes	:	Mathys, Quintero, Steitz
Absent	:	None

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(1A-6) * RESOLUTION - 20TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$28,000 FOR THE FRESNO CITY POLICE MEMORIAL TO BE FUNDED EQUALLY BY EACH COUNCIL DISTRICT'S GENERAL FUND INFRASTRUCTURE BUDGET

(5J) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENTS APPROPRIATING \$28,000 FOR THE FRESNO CITY POLICE MEMORIAL TO BE FUNDED FROM THE CITY MANAGER'S OR MAYOR'S BUDGET - COUNCIL BUDGET COMMITTEE

Relative to Item 1A-6, Councilmember Perea advised several Councilmembers were unaware of the resolution therefore staff was being requested to return with documents appropriating funds from the City Manager or Mayor's budgets. City Manager Reid and Councilmember Steitz clarified how the issue came about and brief discussion ensued with President Boyajian and Councilmembers Perea and Mathys directing they be deleted from the resolution. Councilmember Perea recommended the issue be pulled until the next meeting to determine who would and would not be contributing funding. There was no action taken and no further discussion.

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(5O) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENTS TO MOVE PROJECT NOS. PW 99086 AND PW 99089 FOR STREET IMPROVEMENTS ON FRESNO STREET AND "P" STREET TO SUPPORT THE REGIONAL MEDICAL CENTER PROJECT - COUNCIL BUDGET COMMITTEE

Councilmember Perea made a motion to approve the request as outlined above. City Manager Reid stated it was his understanding after speaking with staff the affected projects were at Palo Alto/Brawley and Bullard Loop/Brawley with the funds going towards the two-way conversion of "P" Street and requested confirmation, with Councilmember Ronquillo responding.

Councilmember Steitz stated the City had met its commitments for Fresno Street, further questioned the intent of the issue and project being funded and those being de-funded, and expressed his concern with the issue and lack of information. Mr. Reid responded to questions and Councilmembers Perea and Ronquillo clarified matters. Assistant City Attorney Avila and Mr. Reid responded to further questions of Councilmember Steitz relative to whether or not the City had met its requirements with the Community Hospital agreement.

Councilmember Mathys clarified the Council Budget Committee, consisting of Councilmembers Perea and Ronquillo and President Boyajian, were making the request and expressed his concern with the attempt to defund two crucial projects in his district. Councilmember Ronquillo clarified final action would not be taken this date as staff was only being requested to return with necessary documents, and Acting President Bredefeld stated the funds were necessary for “P” Street and the medical center project.

Councilmember Quintero stated he would support the motion if funding was committed for the two projects in the next fiscal year, with Councilmember Perea concurring. President Boyajian stated this was not an issue of politics but one of public health and safety and to support a \$120 million project. Brief discussion ensued on the \$2.2 million needed to convert “P” Street and possible funding sources, with Mr. Reid responding.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff to return with enabling documents to move funds for Project Nos. PW 99086 and PW 99089 for street improvements on Fresno and “P” Streets to support the Regional Medical Center Project, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

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(3B) REQUEST COUNCIL DIRECTION REGARDING REQUEST BY THE SAN JOAQUIN RIVER CONSERVANCY TO EXPAND THE CITY’S PARKS OPERATIONS AND MAINTENANCE SERVICES TO INCLUDE WILDWOOD PARK

1. * RESOLUTION NO. 2000-223 - 19TH AMENDMENT TO AR 2000-183 APPROPRIATING \$15,000 TO COVER OPERATIONAL AND MAINTENANCE COSTS FOR WILDWOOD PARK

Rhonda Ryder, on behalf of the San Joaquin River Conservancy, gave an overview of the issue, **(7 - 0)** stated the Conservancy had funds available to give to the City to provide limited help in operating Wildwood Park, and requested Council’s support for their request.

Ms. Ryder and City Manager Reid responded to Council questions on the venture and clarified issues. Councilmembers Ronquillo and Steitz spoke in support with Councilmember Steitz noting there would be no cost to the City and the matter could be reevaluated in six months. Ms. Ryder responded to questions of Councilmember Perea relative to size of the park, employees needed, and duties to be performed, with Councilmember Perea stating his concern was the current understaffed parks division and explained.

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 2000-223 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5A) APPROVE APPOINTMENT OF DAN ZACK TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE - COUNCILMEMBER RONQUILLO

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, Dan Zack hereby appointed to the Tower District Specific Plan Implementation Committee, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5C) PER GRAND JURY RECOMMENDATION, PROVIDE A MARKED CROSSWALK ON TULARE STREET BETWEEN "M" STREET AND VAN NESS AVENUE TO PROVIDE FOR SAFE AND LEGAL PASSAGE - PRESIDENT BOYAJIAN

Handled administratively.

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(5D) DIRECT CITY ATTORNEY TO RESEARCH AND PROVIDE NECESSARY DOCUMENTS NEEDED TO ADOPT AN ORDINANCE PROHIBITING APPOINTED OFFICERS AND STAFF, AFTER LEAVING THE CITY, TO BECOME EMPLOYED WITH ANY FIRM/PROJECT THEY HAD INPUT IN FOR A PERIOD OF TWO (2) YEARS

Councilmember Ronquillo reviewed the issue, noted there was no local ordinance in place, and requested Council's input. City Manager Reid stated he felt the proposal might not go far enough and should be broadened and explained. Acting President Bredefeld stated he concurred with Mr. Reid and offered an amended motion, which was seconded by Councilmember Steitz, to include any City officer/employee, elected or appointed, who files an economic disclosure statement. Councilmember Steitz questioned the practicality of such an ordinance with City Attorney Montoy responding. Brief discussion ensued.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the City Attorney to research and provide necessary documents needed to adopt an ordinance prohibiting any City officer/employee, elected or appointed who files an economic disclosure statement, after leaving the City, to become employed with any firm/project they had input in for a period of two (2) years, by the following vote:

Ayes	:	Bredefeld, Mathys, Ronquillo, Steitz, Boyajian
Noes	:	Perea, Quintero
Absent	:	None

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(5E) * RESOLUTION - SUPPORTING ADOPTION OF SENATE BILL 1629 (ENSURING THAT BICYCLIST AND PEDESTRIAN NEEDS ARE CONSIDERED IN ALL MAJOR HIGHWAY PROJECTS IN THE STATE OF CALIFORNIA) - COUNCILMEMBER PEREA

Removed from the agenda at the direction of Councilmember Perea who stated he wanted additional time to review the material.

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(5F) * RESOLUTION NO. 2000-224 - 18TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$6,500 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET WHICH INCLUDES \$2,500 FOR THE HARVEST CELEBRATION 2000 EVENT AND \$4,000 FOR THE CALWA COMMUNITY OUTREACH - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-224 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5G) * RESOLUTION NO. 2000-225 - 21ST AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,000 OF DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET TO REIMBURSE THE GUILD OF VALLEY CHILDREN'S HOSPITAL FOR CONVENTION CENTER RENTAL FOR FUND RAISER - COUNCILMEMBER

On motion Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-225 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5I) * RESOLUTION NO. 2000-226 - 22ND AMENDMENT TO AAR 2000-183 APPROPRIATING \$2,000 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A CAMP SCHOLARSHIP FOR YOUNG LIFE - COUNCILMEMBER STEITZ

On motion Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-226 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5K) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENTS TO APPROPRIATE \$1,000 FROM DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO PURCHASE A GENERATOR TO PROVIDE TEMPORARY POWER TO A NEIGHBORHOOD POLICING OFFICE - COUNCILMEMBER MATHYS

A motion of Councilmember Mathys, seconded by Councilmember Steitz, to request staff to return with enabling documents to appropriate \$1,000 from District 2's general fund infrastructure budget to purchase a generator to provide temporary power to a neighborhood policing office failed, by the following vote:

Ayes : Mathys, Steitz
 Noes : Bredefeld, Perea, Quintero, Ronquillo, Boyajian
 Absent : None

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(5L) REQUEST CITY MANAGER TO DIRECT PUBLIC WORKS TO PROVIDE THE START AND COMPLETION DATE FOR THE NORTH SIDE OF HERNDON AVENUE BETWEEN N. FRUIT AND N. MARKS ALONG WITH THE COMPLETION DATE TO MOVE THE COVENTRY COURT WALL - COUNCILMEMBER MATHYS

Request made.

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(5M) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENTS APPROPRIATING \$700 FROM DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO PURCHASE PLANTERS FOR THE DOWNTOWN ASSOCIATION - COUNCILMEMBER MATHYS

Laid over to August 15, 2000, at the direction of Councilmember Mathys.

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(5N) APPROVE FORMATION OF A SOCIAL SERVICE FUNDING COMMITTEE - PRESIDENT BOYAJIAN

Councilmember Steitz questioned if Council had previously designated the Human Relations Commission as the social service committee and brief discussion ensued. Councilmembers Perea, Ronquillo and Steitz volunteered and were named to the committee by Council consensus.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY CARL TURNER, 4866 E. SIMPSON, REGARDING INCIDENT INVOLVING HIS DAUGHTER AND SELECTIVE POLICE TRAFFIC ENFORCEMENT ON CHANCE AVENUE DURING THE FAIRGROUNDS CYBERFEST EVENT

Appearance made, brief discussion ensued, and City Manager Reid stated he would obtain all relevant information from Mr. Turner and check into the complaint.

APPEARANCE BY LOCAL 39 AND SOLID WASTE EMPLOYEES REGARDING WORKING CONDITIONS AND CONCERNS AND DISPUTES WITH MANAGEMENT AT SOLID WASTE

Expressing concerns and speaking to the issue were: Alex Correa, Local 39; Ben Aguirre; Brett Richards, 2132 N. Laureen; Brad Henry Lozano, 4707 E. Rialto **(8 - 0)**; and James Melgoza, 3215 E. Townsend.

Lengthy discussion ensued on the concerns, incidents and complaints expressed with City Attorney Montoy and Mr. Correa responding to questions and comments of Council. There was no action taken.

(1B-1) ORDINANCE INTRODUCED THIS DATE RELATIVE TO CONSTRUCTION PROJECT MANAGEMENT SERVICES - CITY MANAGER REID

City Manager Reid spoke in support of the ordinance and explained why it was important for Council to adopt it when it comes back on August 15th.

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CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of **2:00 P.M. "B-1"**, claim of Valerie Medina, the Council voted 4-0 to reject the \$2.5 million claim with Councilmembers Mathys, Perea and Steitz absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:00 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 15th day of August, 2000.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk

